

REMARKS/ARGUMENTS

Status of the claims

Claims 28-51, 53-58 and 82-120 were previously pending and presented for examination on the merits. Claims 28, 42, 44, 45, 82, 99 and 113 are herein amended. Claim 83 is canceled without prejudice.

After entry of these amendments, claims 28-51, 53-58, 82, and 84 to 120 will be pending.

Claims 42 to 51, 53 to 58, 106 to 112, and 114 to 120 stand allowed. Applicants thank the Examiner for indicating the allowable subject matter.

Claims 82, 99, 104, 105, and 113 stand rejected as allegedly failing to comply with 35 U.S.C. §112, first paragraph.

Claims 28 to 41 and 82 to 97 stand rejected for an alleged lack of enablement pursuant to 35 U.S.C. §112, first paragraph.

Claims 100 to 103 stand objected to for allegedly depending from a rejected base or intervening claim.

The Applicants respond to the above rejections below.

Support for the amendments to the claims

Claim 28 was amended to set forth that the counter ion was the chloride ion. Support for this recital is found inter alia in the compound recitals of claims 57 and 58.

Claim 42 was amended to set forth that the saccharide group is a hexose monosaccharide group or has from two to eight monosaccharide groups. Support for this subject matter is found at p. 11 lines 11 to 24.

Claim 44 was amended to set forth that the saccharide group wherein the saccharide group has from two to eight monosaccharide groups. Support for this subject matter found as for claim 43.

Claim 45 was amended to delete a member of its Markush and according finds support in the previous version of the claim.

Claims 82 was amended to set forth the interferons (i.e., α -interferon, β -interferon, δ -interferon, and γ interferon) of canceled claim 83 and finds support accordingly.

Claim 99 was amended to set forth α -interferon, β -interferon, δ -interferon, and γ interferon as found in its previous dependent claims 100 to 103 and finds support accordingly.

Claim 113 was amended to depend from claim 99 and finds support in the previous version of the claim.

Accordingly, the Applicants believe the amendments to the claims add no new matter and respectfully request their entry.

Correction of the record

In the previous Action, compound claims 42-51 and 53-57 were rejected as being allegedly unpatentable in view of an alleged admission in the specification. The Examiner contended that the specification admitted that Syn3 was an impurity of a commercial BigCHAP preparation, and that the admitted presence of Syn3 in some commercial BigCHAP preparations negated the novelty of the compound claims embracing Syn3. The Applicants traversed the rejection by pointing out that the specification actually set forth that Syn3 was a synthetic *analog* of an impurity (Impurity 3). It was Impurity 3, not Syn3, which was found in commercial preparations of Big CHAP. This statement remains correct. It also remains correct that Impurities 1 and 3 are not compounds of the previous claims.

However, the Applicants were incorrect when they asserted that

The second impurity (see, Impurity 2 of Figure 23) shares the same backbone structure as BigCHAP and is *not* embraced by the compound subject matter of the claims.

In fact, Impurity 2 does correspond to a compound of the previous compound claims, for instance, of previous claim 42 when the X_3 saccharide group is a *pentose* monosaccharide.

In order to expedite prosecution of the instant application, the Applicants have amended claim 42 to set forth that the saccharide groups are a hexose monosaccharide group or else have from 2 to 8 monosaccharide groups. Accordingly, Impurity 2 is no longer embraced by the amended compound claims.

Therefore, the Applicants respectfully request the reconsideration and withdrawal of this grounds of rejection.

Response to the rejection of claims 82, 99, 104, 105, and 113 under 35 U.S.C. §112, first paragraph, as allegedly failing to comply with 35 U.S.C. §112, first paragraph.

Without acquiescing on the merits and in order to expedite prosecution of the instant application the Applicants have now amended claims 82 and 99 to set forth subject matter that the Action acknowledged to be in compliance with the above statute. As amended, claims 82 and 99 set forth that the interferon is selected from the group consisting of α -interferon, β -interferon, δ -interferon, and γ interferon. As claims 104, 105, and 113, as amended, depend from claim 99, Applicants believe this grounds of rejection is obviated.

Accordingly, the Applicants respectfully request the reconsideration and withdrawal of this grounds of rejection.

Response to the rejection of claims 28 to 41 and 82 to 97 for an alleged lack of enablement pursuant to 35 U.S.C. §112, first paragraph.

Without acquiescing on the merits and in order to expedite prosecution of the instant application the Applicants have amended base claim 82 to set forth subject matter that the Action acknowledged to be in compliance with the above statute (e.g., the counterion is the chloride ion).

Accordingly, the Applicants respectfully request the reconsideration and withdrawal of this grounds of rejection.

Response to the objection to claims 100 to 103

The Applicants thank the Examiner for indicating that claims 100 to 103 would be allowable if amended to set forth all the limitations of their base and any intervening claims. Applicants have amended the intervening claims to address the Examiner's concerns and so have not placed claims 100 to 103 in independent claim format.

Appl. No. 10/055,863
Amdt. dated October 12, 2007
Reply to Office Action of September 10, 2007

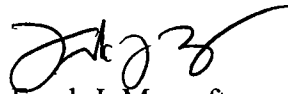
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CONCLUSION

In view of the foregoing, Applicants believe all claims now pending in this Application are in condition for allowance and an action to that end is respectfully requested.

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 925-472-5000.

Respectfully submitted,



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